

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Avi J. ASHKENAZI, et al..

Application Serial No. 09/978,564

Filed: October 16, 2001

For: **SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

) Examiner: Angell, Jon E.
)
) Art Unit: 1635
)
) Confirmation No. 5282
)
) Attorney's Docket No. 39780-2630
) P1C25
)
) Customer No. 35489

**DECLARATION OF DR. LUC DESNOYERS, DR. AUDREY GODDARD,
DR. PAUL J. GODOWSKI, DR. AUSTIN GURNEY and DR. WILLIAM I.
WOOD, UNDER 37 C.F.R. §1.131**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

We, Luc Desnoyers, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D. and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application. We have read and understood the claims pending in this application, and are aware that the claims stand rejected as allegedly being unpatentable over Holtzman *et al.*, U.S. 2002/0055139, published May 9, 2002 with priority to May 14, 1999. Holtzman *et al.* teach a polypeptide (human A236 protein) that is 100% identical to SEQ ID NO:59.

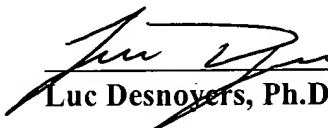
2. The polypeptide designated as PRO363 (SEQ ID NO:59), antibodies to which are claimed in the above-identified application, was sequenced, cloned and identified as having homology to the cell surface protein HCAR in the United States prior to May 14, 1999.

3. U.S. Provisional Application No. 60/078,910, filed on March 20, 1998, discloses sequences designated as SEQ ID NO:1 and SEQ ID NO:3. The native sequence polypeptide of SEQ ID NO:3 is identical to SEQ ID NO:59 of the above-identified application, while SEQ ID

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4. U.S. Provisional Application No. 60/078,910, filed on March 20, 1998 further discloses that SEQ ID NO:3, corresponding to SEQ ID NO:59 of the above-identified application, has homology to the cell surface protein HCAR.

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10/25/2005

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Paul J. Godowski, Ph.D.

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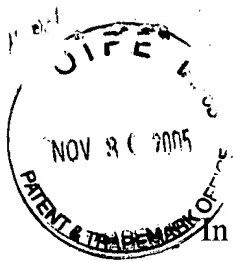
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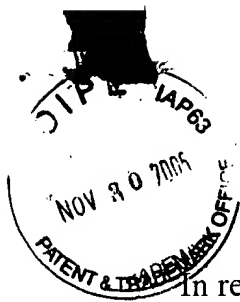
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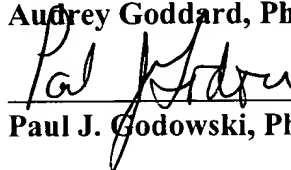
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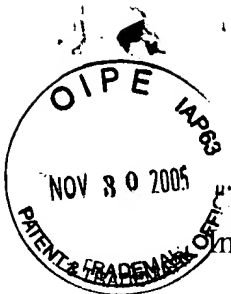
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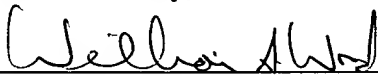
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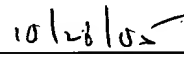
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